

REMARKS

Claims 8-9 were rejected under §112, second paragraph, and have been amended as to form. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 8-9 were rejected as unpatentable over SHOSTAK 2004/0043797. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 8 provides, among other features, that the LAN device uses its source of internal power to respond to the beacon signal when the associated computer is not ON and uses the power source of the associated computer when the associated computer is ON. The Official Action acknowledges that SHOSTAK does not disclose this feature and alleges that one of skill in the art would find it obvious to modify the device in SHOSTAK so that the LAN device uses its source of internal power to respond to the beacon signal when the associated computer is not ON and uses the power source of the associated computer when the associated computer is ON.

Initially, it is noted that SHOSTAK does not disclose separate power sources for the LAN device and the associated computer (the Official Action indicates that the LAN device hardware corresponds to this computer). Indeed, beginning at paragraph 0048, SHOSTAK describe the LAN device and refer to only one battery; there is no mention of separate power sources for the LAN device and for the associated device hardware. Thus, as

a first step in making the invention of claim 8 obvious, one of skill in the art would have to provide separate power sources for the LAN device and for the associated device hardware even though the reference does not disclose or suggest separate power sources. It is not believed that one of skill in the art would provide separate power sources as this would be costly and would make no difference in power consumption (the latter being acknowledged in the Official Action).

Nevertheless, even if one of skill in the art were to provide separate power sources (this is not admitted), then the artisan would have to find it obvious to use its source of internal power to respond to the beacon signal when the associated computer is not ON and use the power source of the associated computer when the associated computer is ON, again without any suggestion in the art to do so. It is not believed that one of skill in the art would switch the source of power for the LAN device because there is nothing in the art to suggest it.

The Official Action indicates that this would be an obvious design choice. Why would one of skill in the art design a device this way? This isn't a choice between blue and green; the invention includes a particular choice of the source of power and there must be concrete evidence of record to motivate the artisan to make this particular change. There is no such evidence.

Thus, the artisan would have to make two changes, neither of which is suggested in the reference, in order to reach the

invention of claim 8. The only reason for making both changes is impermissible hindsight application of that which is only taught by the present inventor.

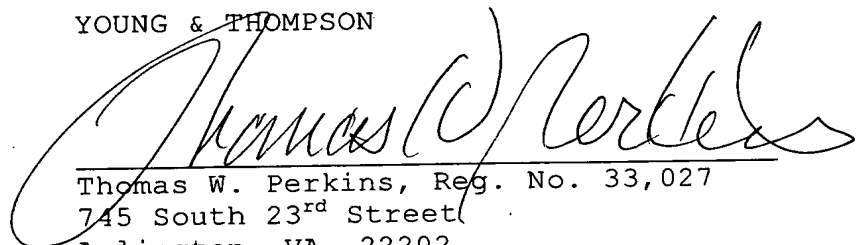
Accordingly, claims 8-9 avoid the rejection under §103.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

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